

BERRY & ASSOCIATES P.C.

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OCT 15 2007

OFFICE OF PETITIONS

FACSIMILE TRANSMITTAL COVER SHEET

TO: Office of Petitions
Commissioner for Patents

FACSIMILE NO.: 571-273-0025

FROM: Reena Kuyper

DATE: October 15, 2007

RE: Serial No. 10/769,176
Attorney Docket No.: 3195.ACCESS.ASA.CON

PAGES SENT: 21 (including cover sheet)

**IF ALL PAGES ARE NOT RECEIVED PLEASE CALL
AT (310) 247-2860**

MEMO:

The attached Letter requesting withdrawal of improper notice of abandonment was submitted on October 17, 2006. Can you please provide the status of the decision on this petition.

Thank you.

9255 Sunset Boulevard, Suite 810, Los Angeles, California 90069 (310) 247-2860; Fax (310) 247-2864
551 Madison Avenue, Suite 402, New York, New York 10022 (212) 871-5770; Fax (212) 871-5774

This communication may contain confidential or privileged information and may constitute inside information. It is intended only for the addressee. Any distribution, reading, copying, or use of this communication by anyone other than the addressee is strictly prohibited and may be unlawful. If you received this in error, please notify us immediately by telephone, and return the original communication to us at the above address by mail. You will be reimbursed for your reasonable expenses. Thank you.

FAX RECEIVED

OCT 15 2007

OFFICE OF PETITIONS**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:	)	Customer No.:	49,637
)		
David KAMMER	)	Confirmation No.:	7805
)		
Serial No.: 10/769,176	)	Group Art Unit:	2682
)		
Filed: January 29, 2004	)	Examiner:	Milord, Marceau
)		
For: EFFICIENT SERVICE	)	Docket No.	3195.PALM.PSI.CON
REGISTRATION FOR LEGACY)		
APPLICATIONS IN A)		
BLUETOOTH ENVIRONMENT)		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**LETTER REQUESTING WITHDRAWAL OF IMPROPER NOTICE OF
ABANDONMENT
UNDER MPEP 711.03 AND 37 C.F.R. §1.137**

REQUEST FOR RECONSIDERATION/PETITION

- Applicant hereby requests reconsideration, and withdrawal, of the holding of abandonment set forth in the notice dated October 6, 2006 (copy attached, Exhibit A), for failure to file a timely and proper reply to an Office Action dated March 14, 2006. The request is being filed promptly after receipt of such notice.

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via facsimile ((571-273-8300)) on the date shown below to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

October 17, 2006
Date of Transmission

/Reena Kuyper/
Reena Kuyper

Application No.:

10/769,176

RESPONSE TO OFFICE ACTION TIMELY SUBMITTED

2. The response for this case was mailed to the PTO, along with the appropriate transmittal form, on September 14, 2006. Copies of the transmittal papers and the Amendment and Response to Office Action, and Terminal Disclaimer as mailed are attached (Exhibit B). A stamped return postcard (Exhibit C), acknowledging receipt by the Patent Office is also attached.

FEE

3. Applicant believes that no fee is necessary at this time. However, if any fees are associated with this request, the Commissioner is authorized to charge the necessary amount from our Deposit Account No. 50-3102. Should any of the personnel handling this matter at the PTO have any questions about this submission, he or she is invited to contact the undersigned attorney to expedite resolution thereof.

Respectfully submitted,

BERRY & ASSOCIATES P.C.

Dated: October 17, 2006

9255 Sunset Blvd., Suite 810
Los Angeles, CA 90069
(310) 247-2860

By: /ReenaKuyper/

Reena Kuyper
Registration No. 33,830

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OCT 16 2007

OFFICE OF PETITIONS

EXHIBIT A

10/769,176

Applicant: David Kammer



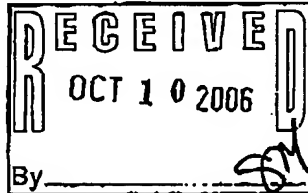
UNITED STATES PATENT AND TRADEMARK OFFICE

EXHIBIT A

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,176	01/29/2004	David Kammer	PALM-3195 PSLCON	7805

49637 7590 10/06/2006
BERRY & ASSOCIATES P.C.
9255 SUNSET BOULEVARD
SUITE 810
LOS ANGELES, CA 90069



EXAMINER

MILORD, MARCEAU

ART UNIT	PAPER NUMBER
----------	--------------

2618

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

FAX RECEIVED

OCT 15 2007

EXHIBIT A

OFFICE OF PETITIONS

Notice of Abandonment	Application No.	Applicant(s)	
	10/769,176	KAMMER, DAVID	
	Examiner	Art Unit	
	Marceau Milord	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 14 March 2006.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

M Milord
MARCEAU MILORD
PRIMARY EXAMINER

Marceau Milord
Primary Examiner
Art Unit 2618

minimize any negative effects on patent term.

U.S. Patent and Trademark Office
TOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 20060929

EXHIBIT B

10/769,176

Applicant: David Kammer

EXHIBIT B

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10769,176	FAX RECEIVED
	Filing Date	January 29, 2004	
	First Named Inventor	David KAMMER	OCT 15 2007
	Art Unit	2682	
	Examiner Name	Millford, Marceau	OFFICE OF PETITIONS
Attorney Docket Number	3195.PALM.PSLCON		
Total Number of Pages in This Submission:			

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks _____ Return postcard.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Berry & Associates P.C.		
Signature	/Reena Kuyper/		
Printed name	Reena Kuyper		
Date	September 14, 2006	Reg. No.	33,830

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature	/Reena Kuyper/		
Typed or printed name	Reena Kuyper	Date	September 14, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTOL-8400 and select option 5.

EXHIBIT B

EXHIBIT B

PTO/SB/17 (01-06)

Approved for use through 07/31/2008. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4918).

**FEE TRANSMITTAL
For FY 2006**☐ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)1020**Complete if Known**

Application Number 10/769,176
 Filing Date January 29, 2004
 First Named Inventor David KAMMER
 Examiner Name Milford, Marceau
 Art Unit 2682
 Attorney Docket No. 3195.PALM.PSI.CON

FAX RECEIVED**OCT 15 2007****OFFICE OF PETITIONS****METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____
☒ Deposit Account Deposit Account Number: 50-3102 Deposit Account Name: Berry & Associates P.C.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)

Small Entity Fee (\$)

Each independent claim over 3 (including Reissues)

50

25

Multiple dependent claims

200

100

Total Claims

360

180

- 20 or HP =

Extra Claims

Fee (\$)

Fee Paid (\$)

Multiple Dependent Claims

HP = highest number of total claims paid for, if greater than 20.

Fee (\$)

Fee Paid (\$)

Indep. Claims

Extra Claims

Fee (\$)

Fee Paid (\$)

- 3 or HP =

Extra Claims

Fee (\$)

Fee Paid (\$)

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)

- 100 = / 50 = (round up to a whole number) x = **4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

Other (e.g., late filing surcharge): Petition for Extension of Time (\$1020)1020**SUBMITTED BY**

Signature <u>/Reena Kuyper/</u>	Registration No. <u>33,830</u> (Attorney/Agent)	Telephone (S10) <u>247-2860</u>
Name (Print/Type) <u>Reena Kuyper</u>	Date <u>September 14, 2006</u>	

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EXHIBIT B

EXHIBIT B

PTO/SB/22 (12-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2005 (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)		Docket Number (Optional) 3195.PALM.PSI.CON	FAX RECEIVED
Application Number 10/769,176		Filed January 29, 2004	OCT 15 2007
For EFFICIENT SERVICE REGISTRATION FOR LEGACY APPLICATIONS IN A BLUETOOTH		OFFICE OF PETITIONS	
Art Unit 2682		Examiner Milford, Marceau	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	<u>Fee</u>	<u>Small Entity Fee</u>	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$ _____
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$ 1020
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ _____

☐ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-3102. I have enclosed a duplicate copy of this sheet.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 33,830

☐ attorney or agent under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

/Reena Kuyper/

Signature
Reena Kuyper

Typed or printed name

September 14, 2006

Date
(310) 247-2860

Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-8199 and select option 2.

EXHIBIT B

EXHIBIT B

PTO/SB/26 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

3195.PAT.1001

FAX REC

In re Application of: David Kammer

Application No.: 10/769,178

Filed: January 29, 2004

OCT 15 2007

OFFICE OF PETITIONS

For: EFFICIENT SERVICE REGISTRATION FOR LEGACY APPLICATIONS IN A BLUETOOTH ENVIRONMENT

The owner, PalmSource, Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,828,387 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

expires for failure to pay a maintenance fee;

is held unenforceable;

is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;

has all claims canceled by a reexamination certificate;

is reissued; or

is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 33,830

/Reena Kuypers/
Signature

September 14, 2006
Date

Reena Kuypers
Typed or printed name

(810) 247-2860
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EXHIBIT B

FAX RECEIVED

OCT 15 2007

OFFICE OF PETITIONS

EXHIBIT B**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:	) Customer No.:	49,637
David KAMMER	) Confirmation No.:	7805
Serial No.: 10/769,176	) Group Art Unit:	2682
Filed: January 29, 2004	) Examiner:	Milord, Marceau
For: EFFICIENT SERVICE	) Attorney Docket No.:	3195.PALMPSICON
REGISTRATION FOR LEGACY	) Office Action dated:	March 14, 2006
APPLICATIONS IN A		
<u>BLUETOOTH ENVIRONMENT</u>		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO OFFICE ACTION

Dear Sir:

Prior to examination of this application and in response to the Office Action dated March 14, 2006, please amend the application as shown herein.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

CERTIFICATE OF MAILING UNDER 37 CFR §1.8

I hereby certify that this document (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

September 14, 2006
Date

/Reena Kuyper/
Reena Kuyper

EXHIBIT B Page 1 of 8

Application No.:
Reply to Office Action of:

10/769,176
March 14, 2006

EXHIBIT B

IN THE CLAIMS:

A complete set of the claims is included below, reflecting added subject matter (*underlining*) and deleted subject matter (*strikethrough*), as well as the current status of each claim. This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Original) In a wireless device having a transceiver, a method for providing a service record for an application running on a virtual serial port, said method comprising the steps of:
 - a) executing said application, wherein said application is a legacy application operable to communicate with a peripheral device over a serial connection;
 - b) opening a virtual serial port for said application, wherein said virtual serial port is opened by a virtual serial port driver and wherein said virtual serial port emulates said serial connection;
 - c) creating a service record corresponding to said application; and
 - d) registering in said service record a service name identifying said application, wherein said service name is provided by said virtual serial port driver.
2. (Original) The method as recited in Claim 1 wherein said wireless device is a Bluetooth-enabled device.
3. (Original) The method as recited in Claim 2 wherein said service record is a Service Discovery Protocol service record.

EXHIBIT B

Page 2 of 8

Application No.:
Reply to Office Action of:

10/769,176
March 14, 2006

EXHIBIT B

4. (Original) The method as recited in Claim 2 wherein said virtual serial port driver is substantially compliant with the RFCOMM protocol and comprises a port emulation entity.

5. (Original) The method as recited in Claim 4 wherein said step b) comprises the step of:

b1) selecting a RFCOMM channel number for said virtual serial port.

6. (Original) The method as recited in Claim 5 wherein said step d) comprises the step of:

including said RFCOMM channel number in said service name.

7. (Original) The method as recited in Claim 1 wherein said step d) comprises the step of:

deriving said service name from a name for said application.

8. (Original) The method as recited in Claim 1 wherein said step d) comprises the step of:

using a default name for said service name.

9. (Original) A wireless device comprising:
a bus;

EXHIBIT B

Application No.:
Reply to Office Action of:

10/769,176
March 14, 2006

EXHIBIT B

a wireless transceiver unit coupled to said bus and for communicating with other wireless devices;

a processor coupled to said bus; and

a memory unit coupled to said bus and comprising processor instructions for performing a method for providing a service record for an application running on a virtual serial port, said method comprising the steps of:

a) executing said application, wherein said application is a legacy application operable to communicate with a peripheral device over a serial connector;

b) opening a virtual serial port for said application, wherein said virtual serial port is opened by a virtual serial port driver and wherein said virtual serial port emulates said serial connector;

c) creating a service record corresponding to said application;

and

d) registering in said service record a service name identifying said application, wherein said service name is provided by said virtual serial port driver.

10. (Original) The wireless device of Claim 9 wherein said wireless device and said other wireless devices are Bluetooth-enabled devices.

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11. (Original) The wireless device of Claim 10 wherein said service record is a Service Discovery Protocol service record.
12. (Original) The wireless device of Claim 10 wherein said virtual serial port driver is substantially compliant with the RFCOMM protocol and comprises a port emulation entity.
- 13 (Original) The wireless device of Claim 12 wherein said step b) of said method comprises the step of:
- b1) selecting a RFCOMM channel number for said virtual serial port.
14. (Original) The wireless device of Claim 13 wherein said service name comprises said RFCOMM channel number.
15. (Original) The wireless device of Claim 9 wherein said service name is derived from a name for said application.
16. (Original) The wireless device of Claim 9 wherein said service name is a default name.

17-24. (Canceled)

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REMARKS

This amendment is responsive to the Office Action dated March 14, 2006. In the office action the Examiner rejected claims 1 and 9 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 of U.S. Patent No. 6,826,387 (application serial no. 09/728,025) to Kammer. The Examiner acknowledges that the conflicting claims are not identical, but takes the position that the claims presented here are not patentably distinct from those that issued in U.S. Patent No. 6,826,387.

In particular, with respect to the claims presented here, the Examiner takes the position that steps are shown in the prior patent to Kammer (U.S. Patent No. 6,826,387). Although the Applicant believes that the claims presented here are different, to expedite allowance of this application, he is submitting a terminal disclaimer. This terminal disclaimer is submitted to overcome the obviousness type double patenting rejection. With this terminal disclaimer, the owner or assignee with 100 percent interest in this application disclaims (under the conditions indicated in the terminal disclaimer) the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of prior patent 6,826,387. The Examiner is respectfully requested to withdraw his rejection of the claims pending in this application and to allow them.

35 U.S.C. § 103 Rejections

The Examiner has rejected claims 1-16 under 35 U.S.C. §103(a) as being unpatentable over Singhal et al. (U.S. Patent No. 6,633,761) in view of Shuster et al. (U.S. Patent No. 6,633,761). The Examiner takes the position that Singhal et al., discloses all the claimed elements other than the feature of a transceiver comprising the step of executing an application, wherein the application is a legacy application operable to communicate with a peripheral device over a serial connection. The Examiner relies on Schuster et al., for filling that void, taking the position that Schuster et al., is from the same field of endeavor. Applicant respectfully submits that there is no suggestion in Singhal et al. that invites a combination in the manner that the Examiner suggests. Applicant respectfully traverses that it would have been obvious to combine the references as the Examiner suggests and urges the Examiner to reconsider the rejections in view of the following reasoning set forth below.

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For rejections under 35 U.S.C. Section 103, the establishment of a *prima facie* case of obviousness requires that all the claim limitations must be taught or suggested by the prior art. MPEP § 2143.03 The establishment of a *prima facie* case of obviousness requires that the claimed combination cannot change the principle of operation of the primary reference or render the reference inoperable for its intended purpose. MPEP § 2143.03

To resolve the issue of patentability based on obviousness, the Examiner must not only look to the teaching in the asserted references that meets the claimed limitations, but must also point to the motivation in the asserted references that invites a combination in the event one reference is devoid of a particular teaching. Simply using the benefit of hindsight in combining references is improper. *In re Lee*, 277 F.3d 1338, 1342-45 (Fed. Cir. 2002); *In re Deminski*, 796 F.2d 436, 442 (Fed. Cir. 1986)). Rather, obviousness is to be determined from the vantage point of a hypothetical person having ordinary skill in the art to which the patent pertains. See 35 U.S.C. § 103(a). The legal construct also presumes that all prior art references in the field of the invention are available to this hypothetical skilled artisan. *In re Carlson*, 983 F.2d 1032, 1038, 25 USPQ 2d 1207, 1211 (Fed. Cir. 1993).

An examiner may often find every element of a claimed invention in the prior art. "Virtually all [inventions] are combinations of old elements." *Environmental Designs, Ltd. V. Union Oil Co.*, 713 F.2d 693, 698, 218 USPQ 865, 870 (Fed.Cir. 1983); see also *Richel, Inc. v. Sunspool Corp.*, 714 F.2d 1573, 1579-80, 219 USPQ 8, 12 (Fed.Cir. 1983). If identification of each claimed element in the prior art were sufficient to negate patentability, very few patents would ever issue. Furthermore, rejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. Such an approach would be "an illogical and inappropriate process by which to determine patentability." *Sensonics, Inc. v. Aerosonic Corp.*, 81 F.3d 1566, 1570, 38 U.S.P.Q.2d 1551, 1554 (Fed.Cir.1996). In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed.

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EXHIBIT B***Conclusion***

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections, and that they be withdrawn. The Examiner is invited to telephone the undersigned representative if an interview might expedite allowance of this application.

Respectfully submitted,
BERRY & ASSOCIATES P.C.

Dated: September 14, 2006

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EXHIBIT C

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Applicant: David Kammer

EXHIBIT C

Please acknowledge receipt of the following by affixing hereto the Patent and Trademark Office data stamp and returning this card to our office.

AMENDMENT AND RESPONSE TO OFFICE ACTION

Applicants	David KAMMER
Serial No.:	10/769,176
Filed:	January 29, 2004
For:	EFFICIENT SERVICE REGISTRATION FOR LEGACY APPLICATIONS IN A BLUETOOTH ENVIRONMENT
Attorney(s):	Reena Kuyper
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